

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

CITY OF DETROIT’S OBJECTION TO CLAIM NUMBER 3795

The City of Detroit, Michigan (“City”) files its *City of Detroit’s Objection to Claim Number 3795* (“Objection”). Proof of claim number 3795 (“Claim 3795,” attached as Exhibit 6-1) does not state a claim amount or identify a valid basis for any liability of the City and thus should be disallowed and expunged.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Objection pursuant to 28 U.S.C. §§ 157 and 1334 and Article VII, Section A of the Plan (defined below). This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND FACTS

2. On July 18, 2013, the City filed a petition for relief in this Court, thereby commencing the largest Chapter 9 bankruptcy case in history.

3. On October 14, 2014, Rama Rao & Alfred, Inc. (“Rama Rao”) filed Claim 3765 with the City’s claim agent.

4. On October 22, 2014, the City filed the *Eighth Amended Plan of the Adjustment of Debts of the City of Detroit (October 22, 2014)* [Doc. No. 8045] (“Plan”).

5. On November 12, 2014, this Court entered an Order confirming the Plan [Doc. No. 8272]. The Plan became effective on December 10, 2014.

ARGUMENT

6. Claim 3795 does not list an amount sought or even state that the amount is unknown. It merely contains what appears to be a portion of a title page from a document and a list of several contracts. The City has no reason to believe it has any liability to Rama Rao.

7. Because Claim 3795 neither identifies a claim amount nor identifies a valid basis for City liability, Claim 3795 should be disallowed and expunged.

October 27, 2016

Respectfully submitted,

By: /s/ Marc N. Swanson

Jonathan S. Green (P33140)

Marc N. Swanson (P71149)

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

Telephone: (313) 496-7591

Facsimile: (313) 496-8451

green@millercanfield.com

swansonm@millercanfield.com

and

Charles N. Raimi (P29746)
Deputy Corporation Counsel
City of Detroit Law Department
2 Woodward Avenue, Suite 500
Coleman A. Young Municipal Center
Detroit, Michigan 48226
Telephone: (313) 237-0470
Facsimile: (313) 224-5505
raimic@detroitmi.gov

ATTORNEYS FOR THE CITY OF DETROIT

EXHIBIT LIST

Exhibit 1 Proposed Order

Exhibit 2 Notice of Objection

Exhibit 3 None

Exhibit 4 Certificate of Service

Exhibit 5 None

Exhibit 6-1 Claim 3795

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**[PROPOSED] ORDER SUSTAINING
CITY OF DETROIT’S OBJECTIONS TO CLAIM NUMBER 3795**

This matter having come before the Court on the *City of Detroit’s Objection to Claim Number 3795* (“Objection”) upon proper notice and a hearing, the Court being fully advised in the premises, and there being good cause to grant the relief requested,

THE COURT ORDERS THAT:

1. The Objection is sustained.
2. Proof of claim number 3795 is disallowed and expunged.
3. The City’s claims agent is authorized to update the claims register in accordance with the terms of this Order.
4. The Court retains jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

EXHIBIT 2 – NOTICE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

NOTICE OF OBJECTION TO CLAIM

The City of Detroit has filed an objection to a claim in this bankruptcy case which may affect you.

The claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny or change your claim, then on or before December 7, 2016, you or your attorney must:

1. File with the court a written response to the objection, explaining your position at:

United States Bankruptcy Court
211 W. Fort St., Suite 1900
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Miller, Canfield, Paddock & Stone, PLC
Attn: Marc N. Swanson
150 West Jefferson, Suite 2500
Detroit, Michigan 48226

2. Attend the hearing on the objection, scheduled to be held on **December 14, 2016**, at **1:30 p.m.** in Courtroom 1925, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the City's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Marc N. Swanson

Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

Dated: October 27, 2016

EXHIBIT 4 – CERTIFICATE OF SERVICE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

The undersigned hereby certifies that on October 27, 2016, he caused a copy of the *City of Detroit's Objection to Claim Number 3795* to be served upon all parties registered for ECF service and by first class mail to the following parties:

Rama Rao & Alfred, Inc.
18447 West Eight Mile Road
Detroit, MI 48219

Dated: October 27, 2016

By: /s/ Marc N. Swanson

Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

EXHIBIT 6-1

Claim 3795

B10 (Official Form 10) (04/13) (Modified)

UNITED STATES BANKRUPTCY COURT		EASTERN DISTRICT of MICHIGAN		RECEIVED OCT 17 2014 KURTZMAN CARSON CONSULTANTS COURT USE ONLY	
Name of Debtor: City of Detroit, Michigan		Case Number: 13-53846			
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.					
Name of Creditor (the person or other entity to whom the debtor owes money or property): RAMA RAO & ALFRED, INC CONSULTING ENGINEERS					
Name and address where notices should be sent: Yao @ Yra . CC 313-535-9580 Telephone number: email: (313) 535-9580 Yao @ Yra . CC				<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____	
Name and address where payment should be sent (if different from above): RAMA RAO & ALFRED INC 18447 West Eight mile Road DETROIT, MI 48219 Telephone number: 313-535-9580 email: Yao @ Yra . CC				<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.	
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.					
2. Basis for Claim: Contractual Services (See instruction #2)					
3. Last four digits of any number by which creditor identifies debtor: 15030 / 2502274 / 1613/0977 3a. Debtor may have scheduled account as: _____ (See instruction #3a)					
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Basis for perfection: _____ Value of Property: \$ _____ Amount of Secured Claim: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable Amount Unsecured: \$ _____					
5. Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2). \$ _____					
5b. Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. § _____ \$ _____					
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)					
7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:					
8. Signature: (See instruction # 8) Check the appropriate box. <input type="checkbox"/> I am the creditor. <input checked="" type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: RAMA RAO V. CHERUKURI, P.E. Title: President Company: RAMA RAO AND ALFRED INC Address and telephone number (if different from notice address above): 313-535-9580 Yao @ Yra . CC (Signature) Ram Rao V Cherukuri (Date) 10/8/2014 313-585-3967 (cell)					

C. 2.4 Duties to Furnish	7
C. 2.4.1 Survey and Property Restrictions	7
C. 2.4.2 Existing Conditions C.2.4.3Waivers	7
C. 2.4.4Minimum Wage Rates	7
C. 2.4.5Tests	7
C. 2.4.6Contract Terms	7
Article D: Contract Administration	8
D. 1.0 Prohibition of Assignment D.	8
1.1 Ownership of Documents D. 1.2	8
Substitutions	8
D. 1.3 Suspension	8
D. 1.4 Subcontracts	8
D.1.5 Disputes	8
D.1.6 Terminations	8
D.1.7 Insurance	8
D. 1.8 Retention of Rights	8
Article E: Additional Requirements	8
E. 1.0 Contract Provisions Required by Federal Law or	
Owner Contract with the U.S. Department of Housing and Urban Development	8
E. 1.1 Contract Adjustments	8
E. 1.2 Additional Services	9
E. 1.3 Restrictive Drawings and Specifications	9
E. 1.4 Design Certification	9
E. 1.5 Retention and Inspection of Records	9
E. 1.6 Copyrights and Rights in Data	9
E. 1.7 Conflicts of Interest	9
E. 1.8 Disputes	9
E. 1.9 Termination	9
F 1 10 Interest of Members of Congress	9
E. 1.11 Limitation of Payments to Influence Certain Federal Transactions	10
E. 1.12 Employment, Training and Contracting Opportunities for Low income Persons, Section 3, HUD Act of 1968	10
E. 1.13 Reserved	10
E. 1.14 Clean Air and Water (Applicable to Contracts in excess of \$1 00,000)	11
E. 1.15 Energy Efficiency	11
E. 1.16 Prevailing Wages	11
E. 1.17 Non-applicability of Fair Housing Requirements in Indian Housing Authority Contracts	11
E. 1.18 Prohibition Against Liens	11
Article F: Other Requirements (If any)	11
Execution of Agreement	11
Addendum (If any)	1

Cell = 313-585-3967

RAMA RAO & ALFRED, INC
CONSULTING ENGINEERS
18447 W. 8 MILE ROAD
TROY, MIC 'GAN 48219
(313) 535-9580
(") 535-7262 Fax

<u>Name of Counterparty</u>	<u>Vendor #</u>	<u>Contract #</u>	<u>Description</u>	<u>City Department</u>
RAMA RAO & ALFRED INC	15030	2500977	<i>A/E Service</i> BLUEHILL STATION ADDITIONS	NO DEPARTMENT INDICATED <i>DWSD</i>
RAMA RAO & ALFRED INC	15030	2502274	A/E SERVICES WATER WORKS	NO DEPARTMENT INDICATED <i>DWSD</i>
RAMA RAO & ALFRED INC	15030	2767688	<i>A/E Services</i> CONTRACT FOR PROFESSIONAL SERVICES	INFORMATION TECHNOLOGY SERVICES <i>IT Dept</i>